

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|----------------------------------|---|----------------------------------|
| SAMUEL PENSAMIENTO, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. 18-cv-10475-PBS |
| |) | |
| JOSPEH D. MCDONALD, JR., et al., |) | |
| |) | |
| Respondents. |) | |
| |) | |

ORDER

March 14, 2018

BURROUGHS, D.J.

Immigration detainee Samuel Pensamiento, who is confined at the Plymouth County Correctional Facility (“PCCF”), has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 [ECF No. 1], claiming that federal officials refuse to honor a Massachusetts court’s writ of habeas corpus ad prosequendum requiring Pensamiento’s presence to resolve pending criminal charges. Petitioner also represents that federal officials have denied him release on bond on the basis of the allegations at issue in the state criminal proceeding.

Petitioner asks that the Court order respondents to transport him to the Massachusetts court to appear at his next pretrial hearing on March 19, 2018. He has filed a separate emergency motion for this relief [ECF No. 2]. Petitioner also seeks an order requiring a constitutionally adequate bond hearing.

Accordingly, this Court hereby orders that:

1. The Clerk of this Court shall serve a copy of the Petition and Motion upon Respondents and the United States Attorney for the District of Massachusetts.

2. A hearing on the Motion will be held at 11:00am on Thursday, March 15, 2018, in Courtroom 17 before Judge Allison D. Burroughs. Counsel for the parties shall appear at the hearing. Counsel for Respondents shall ensure that representatives from both United States Immigration and Customs and Enforcement and the United States Attorney for the District of Massachusetts are in attendance.

3. The deadline for Respondents to respond to the petition will be set at the hearing on March 15, 2018.

4. In order to give the Court time to consider the matter, unless otherwise ordered by the Court, Petitioner shall not be moved outside the District of Massachusetts without providing the Court 48 hours' advance notice of the move and the reason therefore. Any such 48-hour notice period shall commence at the date and time such notice is filed and expire 48 hours later, except "[i]f the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(2)(C).

SO ORDERED.

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
UNITED STATES DISTRICT JUDGE